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E-FILED 12/5/08

11 ATTORNEYS FOR PLAINTIFF PLAINTIFF JOHN KESSLER,
12 ADMINISTRATOR OF THE ESTATE OF RUTH FOUND
13 HAWKINS

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 JOHN KESSLER, ADMINISTRATOR OF
17 THE ESTATE OF RUTH FOUND
18 HAWKINS,

19 Plaintiff,

20 v.

21 UNITED STATES OF AMERICA,

22 Defendant.

CASE NO. C06 07492 RS

STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE

1. This case is currently scheduled for a further case management conference on
2 December 10, 2008.

2. The parties request that the Case Management Conference be continued until
3 February 4, 2009, for several reasons. First, the parties have not finalized a settlement in this
4 case. Without discussing the details of the settlement, the parties both requested that the IRS
5 calculate the net refund due, which took some time following the last scheduled case
6 management conference. Defendant sent those amounts to plaintiffs for review. Second,
7 defense counsel is the sole attorney assigned to a case schedule for trial beginning on December
8 10, 2008. (Case No. CR-08-444-SBA.) Moreover, defense counsel is assigned to at least two
9 other cases with hearings on December 10, 2008. For that reason, defense counsel must arrange

10 CASE NO. C06 07492 RS

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11 STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE

1 for other Tax Division attorneys to cover those hearings and does not think sending another
2 attorney to this conference would be in the parties' or the Court's interest since settlement
3 discussions are still ongoing. Based on the status of this case, and counsel's schedule, the
4 parties' request a continuance until February 4, 2009.

5 DATED: DECEMBER 5, 2006 BERLINER COHEN

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BY:

HEATHER H. MUÑOZ
ATTORNEYS FOR PLAINTIFF
JOHN KESSLER, ADMINISTRATOR OF THE ESTATE
OF RUTH FOUND HAWKINS

10 DATED: DECEMBER 5, 2006

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BY:

THOMAS M. NEWMAN
ASSISTANT UNITED STATES ATTORNEY
TAX DIVISION

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ORDER

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In accordance with the parties' stipulation, the Case Management Conference is
continued until February 4, 2009, at 2:30 a.m.

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IT IS SO ORDERED.

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DATED: DECEMBER 5, 2008

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RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE